

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCHAWN JAMES CRUZE,

Plaintiff,

v.

BERNIE WARNER et al.,

Defendants.

CASE NO. C13-5220 BHS-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Counsel for defendants, Victor Minjares, asks for leave of Court to withdraw from representing defendant Laura Paul (ECF No. 27). Counsel has complied with Local Rule 83.2 and provided a contact address for this defendant. Counsel cites to Washington RPC 1.16(b) as grounds for the withdrawal (ECF No. 27). Washington RPC 1.16 (b) states:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

See Washington RPC 1.16 (b).

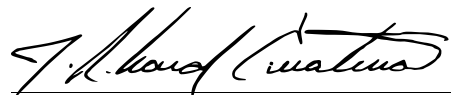
Paragraph (c) of Washington RPC 1.16 provides that the attorney must provide proper notice and seek permission of the tribunal. Counsel has complied with paragraph (c).

Plaintiff opposes the motion stating that counsel has already filed a response denying claims and raising immunity and that allowing the withdrawal will damage his case (ECF No. 31). Since plaintiff filed his response, another attorney, Janelle Carman, has filed a notice of appearance on behalf of defendant Laura Paul (ECF No. 33).

The Court finds that the allegations in the complaint remain the same and the Court finds that the same defendants are still in the action; therefore, plaintiff does not show prejudice. The motion is GRANTED.

The Court orders the Clerk's Office to terminate Mr. Minjares representation of defendant Laura Paul, only, on the ECF system. The Court further orders the Clerk's Office to accept Ms. Carman's notice of appearance for defendant Laura Paul, only.

Dated this 13th day of June, 2013.



J. Richard Creatura
United States Magistrate Judge